

MOTION UNDER 28 USC § 2255 TO VACATE, SET ASIDE, OR CORRECT
 SENTENCE BY A PERSON IN FEDERAL CUSTODY

RECEIVED

MAR 29 2006

United States District Court		District	CLERK U.S. DISTRICT COURT
Name of Movant	Celina Tompson	Prisoner No.	ANCHORAGE, ALASKA Case No. 3:05-cr-00061-RRB
Place of Confinement Self Surrender Not called yet			
UNITED STATES OF AMERICA		V.	Celina Tompson (name under which convicted)
MOTION			
1. Name and location of court which entered the judgment of conviction under attack <u>Federal Court</u> <u>house U.S. District Court</u>			
2. Date of judgment of conviction <u>March 9 2006</u>			
3. Length of sentence <u>24 months</u>			
4. Nature of offense involved (all counts) <u>Fraud Counts #1 #8</u> <u>Wire Fraud</u> <u>Social Security False</u>			
5. What was your plea? (Check one) (a) Not guilty <input type="checkbox"/> (b) Guilty <input checked="" type="checkbox"/> (c) Nolo contendere <input type="checkbox"/>			
If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or indictment, give details: 			
6. If you pleaded not guilty, what kind of trial did you have? (Check one) (a) Jury <input type="checkbox"/> (b) Judge only <input type="checkbox"/>			
7. Did you testify at the trial? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
8. Did you appeal from the judgment of conviction? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			

(2)

9. If you did appeal, answer the following:

(a) Name of court Federal Court house U.S. District Court

(b) Result 24 mos. Sentence

(c) Date of result March. 9 2006

10. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions with respect to this judgment in any federal court?

Yes No

11. If your answer to 10 was "yes," give the following information:

(a) (1) Name of court _____

(2) Nature of proceeding _____

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes No

(5) Result _____

(6) Date of result _____

(b) As to any second petition, application or motion give the same information:

(1) Name of court _____

(2) Name of proceeding _____

(3)

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes No

(5) Result _____

(6) Date of result _____

(c) Did you appeal, to an appellate federal court having jurisdiction, the result of action taken on any petition, application or motion?

(1) First petition, etc. Yes No

(2) Second petition, etc. Yes No

(d) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not:

- I requested of my attorney to file an appeal March 9 2006 he said it would do no good I got a great deal, and any lawyer that would look at the case would agree
- March 14 2006 I again requested my lawyer to place an appeal he again refused to do so saying he will only appeal the restitution order but not the sentence because he felt he did a great job.
- March 16 2006 I contacted the Law offices of Lance Christian Wells at 907-274-9696 for advise on what more I could do he told me I only had 10 days to request an appeal to the sentence and to ask my attorney to

once again appeal, March 17 2006 I again asked my attorney to appeal and he again said he would appeal only the restitution but nothing else.

12. State concisely every ground on which you claim that you are being held in violation of the constitution, laws or treaties of the United States. Summarize briefly the facts supporting each ground. If necessary, you may attach pages stating additional grounds and facts supporting same.

CAUTION: If you fail to set forth all grounds in this motion, you may be barred from presenting additional grounds at a later date.

For your information, the following is a list of the most frequently raised grounds for relief in these proceedings. Each statement preceded by a letter constitutes a separate ground for possible relief. You may raise any grounds which you have other than those listed. However, you should raise in this motion all available grounds (relating to this conviction) on which you based your allegations that you are being held in custody unlawfully.

Do not check any of these listed grounds. If you select one or more of these grounds for relief, you must allege facts. The motion will be returned to you if you merely check (a) through (j) or any one of these grounds.

- (a) Conviction obtained by plea of guilty which was unlawfully induced or not made voluntarily or with understanding of the nature of the charge and the consequences of the plea.
- (b) Conviction obtained by use of coerced confession.

- (c) Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure.
- (d) Conviction obtained by use of evidence obtained pursuant to an unlawful arrest.
- (e) Conviction obtained by a violation of the privilege against self-incrimination.
- (f) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.
- (g) Conviction obtained by a violation of the protection against double jeopardy.
- (h) Conviction obtained by action of a grand or petit jury which was unconstitutionally selected and impaneled.
- (I) Denial of effective assistance of counsel.
- (J) Denial of right of appeal.

A. Ground one: (B) Counsel and investigator coerced confession at guilty plea

Supporting FACTS (state briefly without citing cases or law): Counsel and investigator sat for hour & hounding me to plead guilty by saying if you opt for a jury trial they will just ~~can~~ find you guilty and sentence you to 20 years or more you are better off just pleading guilty to 2 counts ~~in~~ even if you don't agree, this is much better for you.

B. Ground two: (A) Counsel did not give time for me to hear their advice and allow me to think about it they insisted I plea

Supporting FACTS (state briefly without citing cases or law): both counsel and investigator that I give them an answer that day I kept saying no I don't agree but they both insisted continuously to say if you don't just plea then you may have 20 or 30 years that is a long time Just Plead guilty to two counts no matter what I said they kept at it until I broke down

C. Ground three: (E) counsel refused to obtain police records from Wyoming which would have had an major affect on judgement of case

Supporting FACTS (state briefly without citing cases or law): Police records from evensville Wyoming, Casper Wyoming explaining record obtained there Buffalo Wyoming letter from Judge to enter military, letter to Judge for said request File from probation officer and military ~~on~~ recruitment office

D. Ground four: (J) Denial of appeal

Supporting FACTS (state briefly without citing cases or law): I requested of my counsel to appeal my case within the 10 day frame but he refused saying that he will only appeal the restitution order. When it comes in, but he said I got a great deal and no other attorney will or could have done better so it will do no good to appeal the sentencing

13. If any of the grounds listed in 12A, B, C, and D were not previously presented, state briefly what grounds were not so presented, and give your reasons for not presenting them: I tried to present them

When no one would listen I went to seek counsel from Lance Christian Wells Attorneys at law at 907-274-9696 to see what I could do or what help I could get

14. Do you have any petition or appeal now pending in any court as to the judgment under attack?

Yes No

15. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:

(a) At preliminary hearing Kevin McCoy

Public Defenders offices at attwood Building #16

(b) At arraignment and plea Kevin McCoy

Public Defenders offices Attwood Building #16

(c) At trial Kevin McCoy

Public Defenders offices Attwood Building #16

(d) At sentencing Kevin McCoy

Public Defenders offices Attwood Building #16

(e) On appeal NONE(f) In any post-conviction proceeding NONE(g) On appeal from any adverse ruling in a post-conviction proceeding
NONE

16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at approximately the same time?

Yes No

17. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?

Yes No

(a) If so, give name and location of court which imposed sentence to be served in the future: _____

(b) Give date and length of the above sentence: _____

(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?

Yes No

Wherefore, movant prays that the Court grant him all relief to which he may be entitled in this proceeding.

Signature of Attorney (if any)

I declare under penalty of perjury that the foregoing is true and correct. Executed on

3-29-06
DateCherie Timpson

Signature of Movant